



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

GROVER SELLERS

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ATTORNEY GENERAL

Honorable Homer Garrison, Jr., Director
Texas Department of Public Safety
Camp Mabry
Austin, Texas

Attention: Mr. J. B. Draper

Dear Sir:

Opinion No. 0-5784

Re: Whether a driver of a truck owned by
the Firestone Company which is being
operated in order to test tires is
required to have a commercial operator's
license.

Your letter of December 21, 1943, requesting the opinion of this department
on the question stated therein, reads as follows:

"We respectfully request that yor Department give us an opinion
as to whether or not a driver of a truck owned by the Firestone
Company which is being operated in order to test tires would
be required to have a commercial operator's license. This
truck operates over the state highways carrying lead weights
or sacks of sand and the driver does not pick up and deliver
merchandise or carry passengers."

Paragraph (a), Article II of Art. 6687b, Vernon's Annotated Civil Statutes
provides:

"No person, except those hereinafter expressly exempted, shall
drive any motor vehicle upon a highway in this State unless
such person has a valid license as an operator, a commercial
operator, or a chauffeur under the provisions of this Act."

Art. 6675a-1, Vernon's Annotated Civil Statutes reads in part as follows:

"The following words and terms, as used herein, have the meaning
respectively ascribed to them in this Section, as follows:

". . . .

"(1) 'Commercial Motor Vehicles' means any motor vehicle
(other than a motorcycle or passenger car) designed or used
primarily for the transportation of property, including any

passenger car which has been reconstructed so as to be used, and which is being used, primarily for delivery purposes, with the exception of passenger cars used in the delivery of the United States mails.

". . . ."

Article I of Art. 6687b, Vernon's Annotated Civil Statutes, provides in part:

"The following words and phrases when used in this Act shall, for the purpose of this Act, have the meanings respectively ascribed to them in this title.

". . . .

" (n) 'Commercial Operator.' Every person who is the driver of a motor vehicle designed or used for the transportation of property, including all vehicles used for delivery purposes, while said vehicle is being used for commercial or delivery purposes.

". . . ."

In view of the Statutory definitions of "Commercial Motor Vehicles" and "Commercial Operator:", it is our opinion that a driver of a truck which operates over the State highways and for the purpose indicated in your letter is required to have a commercial operator's license.

Yours very truly

ATTORNEY GENERAL OF TEXAS

s/ Ardell Williams

By

Ardell Williams
Assistant

AW/pr/cc:ldw

APPROVED JAN 21, 1944
s/ GROVER SELLERS
ATTORNEY GENERAL OF TEXAS

APPROVED OPINION COMMITTEE
BY B. W. B.
CHAIRMAN